

REMARKS

Claims 1-18 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks herein.

Claim Rejections – 35 USC § 101

The Examiner has rejected claims 10-18 under 35 U.S.C. 101, asserting that claim 10 is directed to non-statutory subject matter. More specifically, claim 10 is directed to “A computer program product, tangibly embodied in an information carrier...”, and the specification, as originally filed, provides “a propagated signal” as an example of an information carrier.

The specification has been amended herein to delete the phrase “or in a propagated signal”. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Claim Rejections – 35 USC § 102

Claims 1-5, 7-14 and 16-18 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,963,839 to Ostermann et al. (“Ostermann”). This rejection is respectfully traversed.

When applying a reference under 35 U.S.C. §102, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”¹ More specifically, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.”² For at least the reasons discussed in further detail below, Ostermann fails to describe each and every element as set forth in claims 1 and 10, and fails to show the identical method and system in as complete detail as is contained in claims 1 and 10, respectively.

Each of claims 1 and 10 have been amended to include the features of receiving a request for speech animation from a client application, checking the request against a cache of previous

¹ *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

² *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

requests, retrieving a speech animation from a shared storage of previously generated speech animations if the request is identical to a previous request, storing the request to the cache of previous requests, generating the speech animation using retrieved data if the request is not identical to a previous request, and storing the generated speech animation to the shared storage. Ostermann fails to disclose the features of receiving a request for speech animation from a client application, checking the request against a cache of previous requests, retrieving a speech animation from a shared storage of previously generated speech animations if the request is identical to a previous request, storing the request to the cache of previous requests, generating the speech animation using retrieved data if the request is not identical to a previous request, and storing the generated speech animation to the shared storage.

Ostermann is directed to a system and method of controlling sound in a multi-media application. More specifically, Ostermann discloses a system 60, 61 that includes a client application 64, a text-to-speech (TTS) server 64, an animation server 68, a streaming server 70, 74 and a streaming client 72, 76 (see Figs. 4(A) and 4(B)). As described in col. 5, lines 7-67 of Ostermann, the client application 64 generates a multi-media message that is transmitted to the TTS server 64 and the animation server 68. The TTS server 64 generates audio and phoneme data. The phoneme data is provided to the animation server 68 and the audio data is provided to the streaming server 70. The animation server 68 processes the phoneme data, as well as other data provided from the client application 64, and generates animation data (i.e., video data (see Fig. 4(A), or animation parameter data see Fig. 4(B)) that is provided to the streaming server 70, 74.

Ostermann provides no description of checking a request against a cache of previous requests, or even a cache of previous requests. Consequently, Ostermann can not describe storing a request to a cache or previous requests. Furthermore, Ostermann does not describe retrieving a speech animation from a shared storage of previously generated speech animations, particularly if the request is identical to a previous request, much less storing the generated speech animation to such a shared storage. In other words, Ostermann provides no description of storing previously generated speech animations for retrieval based on receiving an identical

request. Instead, the system of Ostermann is understood to generate a new speech animation for each request received from the client application, and does not otherwise track, or re-use previously generated speech animations.

In view of the foregoing, Ostermann fails to describe each and every element as set forth in claims 1 and 10, and fails to show the identical method and system in as complete detail as is contained in claims 1 and 10, respectively. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Each of claims 2-5, 7-9, 11-14 and 16-18 ultimately depends from one of claims 1 and 10, which define over the asserted reference, as discussed in detail above. Consequently, each of claims 2-5, 7-9, 11-14 and 16-18 also define over the asserted reference for at least the same reasons. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Claim Rejections – 35 USC § 103

Claims 6 and 15 stand rejected under 35 U.S.C. 103(a) as being obvious over Ostermann in view of U.S. Pat. No. 6,507,811 to Phillips ("Phillips"). This rejection is respectfully traversed.

Each of claims 6 and 15 ultimately depends from one of claims 1 and 10, which define over the asserted reference, as discussed in detail above. Consequently, each of claims 6 and 15 also define over the asserted reference for at least the same reasons. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

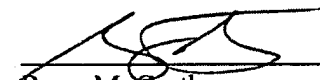
CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

No charges are believed due. However, if any fees are due, they are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13909-145001.

Respectfully submitted,

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